

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:19-00148

JOSEPH R. ZIEGLER

MEMORANDUM OPINION AND ORDER

In Charleston, on August 6, 2019, came the defendant, Joseph R. Ziegler, in person and with standby counsel, David R. Bungard; came the United States by Stefan J. O. Hasselblad, Assistant United States Attorney; for a pretrial motions hearing in this matter. At that hearing, the court **GRANTED** defendant's motion to proceed pro se. (ECF No. 34). Thereafter, Mr. Ziegler requested a short continuance of the trial date in order to allow him to file pretrial motions.

Because failure to grant the requested continuance would likely result in a miscarriage of justice, the court found that the ends of justice outweigh the best interest of the defendant and the public in a speedy trial, see 18 U.S.C. § 3161(h)(7)(A), and **GRANTED** the defendant's motion to continue. In deciding to grant the motion to continue, the court considered the factors outlined in 18 U.S.C. §3161(h)(7)(B) and found that failure to grant a continuance would deny Mr. Ziegler the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

Accordingly, the court hereby **ORDERS** as follows:

1. Trial of this action is continued until August 19, 2019, at 9:30 a.m., in Charleston. Jury instructions and proposed voir dire are to be filed by August 7, 2019;
2. All pretrial motions are to be filed by August 7, 2019;
3. A pretrial motions hearing is scheduled for August 13, 2019, at 1:30 p.m., in Charleston;
4. Pursuant to 18 U.S.C. § 3161(h)(7)(A), the time from the filing of the motion until the trial is excludable for purposes of the Speedy Trial Act.

The Clerk is directed to send a copy of this Memorandum Opinion and Order to counsel of record, to the United States Marshal for the Southern District of West Virginia, and to the Probation Office of this court.

IT IS SO ORDERED this 7th day of August, 2019.

ENTER:

A handwritten signature in dark ink, appearing to read "David A. Faber", is written over a horizontal line.

David A. Faber
Senior United States District Judge